

By: Herrero

H.B. No. 4388

A BILL TO BE ENTITLED

AN ACT

relating to reemployment protections for certain members of the military.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 613, Government Code, is amended by adding Section 613.024 to read as follows:

Sec. 613.024. ENFORCEMENT OF RIGHTS WITH RESPECT TO STATE OR PRIVATE EMPLOYER. An employee may bring suit in district court against the state or local government under the federal Uniformed Services Employment and Reemployment Rights Act to enforce their rights and benefits under that act.

SECTION 2. Subchapter B, Chapter 613, Government Code, is amended by adding Section 613.025 to read as follows:

Sec. 613.025. REMEDIES. In any action under this section, the court may award relief as follows:

(1) The court may require the employer to comply with the provisions of this chapter.

(2) The court may require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter.

(3) The court may require the employer to pay the person an amount equal to the amount referred to in subparagraph (2) as liquidated damages, if the court determines that the employer's

1 failure to comply with the provisions of this chapter was willful.

2 Sec. 613.026. SOVEREIGN IMMUNITY WAIVED. Sovereign
3 immunity to suit is waived and abolished to the extent of liability
4 created by this chapter or under the federal Uniformed Services
5 Employment and Reemployment Rights Act. A person may sue the state
6 or a local governmental entity for damages allowed by this chapter
7 or under the federal Uniformed Services Employment and Reemployment
8 Rights Act.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2021.